

FILED

IN THE UNITED STATES DISTRICT COURT **JUN 14 2013**
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONYA PATRICE THOMAS,

Defendant.

CR 10-62-GF-DLC-RKS

ORDER

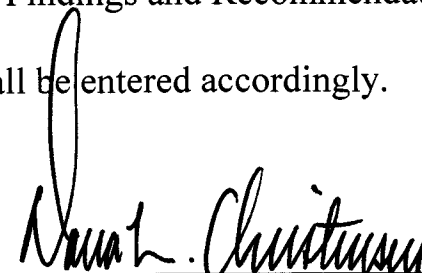
This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on June 13, 2013. He found that Defendant violated Standard Condition #7 of her supervised release by consuming hydrocodone without a valid prescription on two occasions. Judge Strong recommends that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment until June 21, 2013, followed by 34 months of supervised release. Both parties waived objection at the revocation hearing given the recommended upcoming

release date, and Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's finding that Defendant violated Standard Condition #7 of her supervised release by abusing hydrocodone. Defendant admitted to the violation and allocuted before Judge Strong, indicating that she is enrolled in college at Montana State University and plans to attend classes beginning in early July. Judge Strong is also correct that the United States Sentencing Guidelines call for 4 to 10 months imprisonment, and a term of supervised release up to 36 months less any custodial time imposed. This Court agrees that a sentence of custody until June 21, 2013 followed by 34 months supervised release is appropriate given Defendant's non-violent history and apparent progress on supervised release displayed by her enrollment in college. Judge Strong's recommendations will be adopted in full.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 42) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 14th day of June, 2013.



Dana L. Christensen, Chief Judge
United States District Court